

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
Plaintiff  
v.  
ERICK URBINA-ESCOTO,  
Defendant

CASE NO. CR20-131RSM

## ORDER

THIS COURT makes the following findings of fact and conclusions of law in response to the defense request to continue the trial date.

1. Trial in this matter was scheduled for June 14, 2021.
  2. On April 19, 2021, original trial counsel was granted permission to withdraw.
  3. On April 22, 2021, counsel Emily Beschen was appointed to represent the Defendant.
  4. On June 8, 2021, a pre-trial status hearing was held. At this hearing, counsel for the Defendant requested a continuance of the trial date, indicating that Mr. Urbina-Escoto was willing to waive his right to a speedy trial in order to allow more time for the defense to investigate and prepare a defense. The government did not object to the requested continuance.
  5. Mr. Urbina-Escoto has filed a speedy trial waiver through October 5, 2021.

- 1           6. While this is a single-defendant case, the Court is aware that it stems  
2           from, and is related to, a much larger investigation in which multiple  
3           defendants have been charged under several cause numbers and  
4           involving a large volume of discovery sufficient to justify appointing a  
5           discovery coordinator.
- 6           7. The ends of justice served by granting this request and continuance of  
7           both the motions deadline and trial date outweigh the best interests of  
8           the public and the defendant in a speedy trial. 18 U.S.C. §  
9           3161(h)(7)(A).
- 10          8. Proceeding to trial absent adequate time for the parties to prepare for  
11           trial would likely result in a miscarriage of justice because the defendant  
12           would be denied the reasonable time necessary for effective preparation,  
13           taking into account the exercise of due diligence. 18 U.S.C.  
14           §3161(h)(7)(B)(i) and (B)(iv).
- 15          9. Furthermore, the Court finds, pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii),  
16           that the case is unusual and complex, due to the nature of the  
17           prosecution and the volume of discovery, such that it would be  
18           unreasonable to expect adequate preparation for pretrial proceedings or  
19           for trial itself within the time limits established by the Speedy Trial Act  
20           and currently set for this case, particularly in light of the recent  
21           appointment of defense counsel.
- 22          10. The Court also finds, pursuant to 18 U.S.C. § 3161(h)(7)(A) and  
23           (h)(7)(B)(iv), that the period of delay is reasonable.
- 24          11. As a result, the failure to grant a continuance of the trial date in this case  
25           would likely result in a miscarriage of justice. Pursuant to 18 U.S.C.  
26           § 3161(h)(7)(A), the ends of justice served by continuing the trial in this  
27           case outweighs the best interest of the public and the defendant to a  
28           speedy trial.

21           NOW, THEREFORE,

22           IT IS HEREBY ORDERED that the trial date of June 14, 2021, and the associated  
23           pretrial motions deadline, is STRICKEN.

24           IT IS FURTHER ORDERED that jury trial in this matter is set for September 20,  
25           2021.

26           IT IS FURTHER ORDERED that a new pre-trial motions deadline is set for  
27           September 7, 2021.

1 IT IS FURTHER ORDERED that the time from the date of the entry this Order and  
2 the trial date set forth above shall be excludable time pursuant to 18 U.S.C. § 3161.  
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4 Dated this 24<sup>th</sup> day of June, 2021.

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7 RICARDO S. MARTINEZ  
8 CHIEF UNITED STATES DISTRICT JUDGE  
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10 Presented by:

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12 s/ Stephen Hobbs  
13 STEPHEN HOBBS  
14 Assistant United States Attorney

15 Reviewed and Approved:

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17 s/ Emily Beschen  
18 EMILY BESCHEN  
19 Counsel for Erick Urbina-Escoto  
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